# **FILED**

### NOT FOR PUBLICATION

**JAN 19 2006** 

#### CATHY A. CATTERSON, CLERK U.S. COURT OF APPEALS

## UNITED STATES COURT OF APPEALS

#### FOR THE NINTH CIRCUIT

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

MARK ANTHONY JARVIS,

Defendant - Appellant.

No. 05-10144

D.C. No. CR-04-00204-LKK

MEMORANDUM\*

Appeal from the United States District Court for the Eastern District of California Lawrence K. Karlton, Senior Judge, Presiding

Submitted January 9, 2006\*\*

Before: HUG, O'SCANNLAIN, and SILVERMAN, Circuit Judges.

Mark Anthony Jarvis appeals from the 12-month sentence imposed following his guilty plea to making a false statement on a bankruptcy petition in

<sup>\*</sup> This disposition is not appropriate for publication and may not be cited to or by the courts of this circuit except as provided by 9th Cir. R. 36-3.

<sup>\*\*</sup> This panel unanimously finds this case suitable for decision without oral argument. *See* Fed. R. App. P. 34(a)(2).

violation of 18 U.S.C. § 152(3). We have jurisdiction pursuant to 28 U.S.C. § 1291, and we affirm.

Jarvis contends that the case should be remanded for a correction of the written judgment to conform with the district court's oral pronouncement of his sentence. We disagree. Because the oral pronouncement was ambiguous, the unambiguous written judgment controls. *See Fenner v. United States Parole Commission*, 251 F.3d 782, 787 (9th Cir. 2001).

### AFFIRMED.